

REMARKS

Claims 1-15 and 21 are pending in this application. Claim 22 is canceled.

Written Description Requirement

Claim 22 is rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. Although Applicants respectfully maintain that the specification provides support for “carboxylated polyurethane,” in the interest of expediting prosecution of the present application, Applicants cancel Claim 22 without prejudice and reserve to right to pursue the canceled claim in a continuation application. Accordingly, Applicants respectfully request that the rejection of claim 22 be withdrawn.

Claims Patentable over Kielbania under §102

Claims 1-5, 8, 11, 15, 21, and 22 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,945,473 to Kielbania et al. (Kielbania). Applicants respectfully traverse this rejection.

Kielbania fails to teach a resinous fiber binder as recited in independent claims 1 and 11. By contrast, the “polymeric performance enhancer (PPE)” in Kielbania “refers to a polymer that is contacted simultaneously with an aqueous dispersion of the water-dispersible polyurethane and the ethylenically unsaturated monomer under conditions effective to polymerize the ethylenically unsaturated monomer.” (See col. 6, lines 40-46.) Although the “anticipated end use” of the “aqueous polymeric dispersion” of Kielbania may be “a glass-fiber size composition” or “a binder in the manufacture of

non-woven articles,” the PPE itself is not the same as the claimed resinous fiber binder as suggested by the Office. (See Abstract; col. 8, lines 21-44.) Furthermore, those anticipated end uses of Kielbania are not even the same as the claimed fiber mat for use in a building material.

Therefore, Kielbania fails to teach each and every element of independent claims 1 and 11. Dependent claims 2-10, 12-15, 21, and 22 depend, directly or indirectly, from independent claim 1 or 11 and, thus, inherit the patentable subject matter of claims 1 or 11 while adding or further defining elements. Therefore, claims 1-15, 21, and 22 are patentable over Kielbania under §102. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claims Patentable over the Combination of Kielbania and Heine under §103

Claims 1-15, 21, and 22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kielbania in view of U.S. Patent No. 6,146,705 to Heine (Heine). Applicants respectfully traverse this rejection.

For the reasons discussed above, Kielbania fails to teach the claimed resinous fiber binder. Heine also fails to teach the claimed resinous fiber binder. Therefore, the combination of Kielbania and Heine is defective for failing to teach the claimed resinous fiber binder. Therefore, claims 1-15, 21, and 22 are patentable over the combination of Kielbania and Heine under §103. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Conclusion

Applicants respectfully submit that the claims of the present application define patentable subject matter and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number below.

Attached is a petition for a three month extension of time.

Respectfully submitted,

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